

Good morning Chair Huffman, Vice Chair Gavarone, Ranking Member Antonio, and honored members of the Health Committee:

Thank you for allowing me to provide opponent testimony on House Bill 559. My name is Heather Coy. I am an Ohio attorney and a parent. Also, I suffered an anaphylactic reaction to a DTP shot in the 1980s. I strongly oppose this bill, and I urge you to carefully consider the ramifications should such legislation pass.

As a parent, I have used the exemption process myself for doing selective vaccinations for school over the past 18 years. The current process works perfectly well, and the system for tracking vaccinations is already in place. Currently, a parent files a religious or conscientious exemption with the school. The nurse files that record with the school and reports it to the health department. Each year in which a vaccination is due, a report is sent to parents' homes which shows all vaccines the child has had, any listed exemptions, and natural immunity from having had an illness, such as chickenpox.

Changes to the current law based on purported lack of data or tracking are unnecessary. The schools already have a process in place for removing or quarantining children from school if they have not had a particular vaccine and an outbreak of that illness occurs. Therefore, publishing such data is merely exposing a child's medical information to the public unnecessarily and encourages discrimination against children.

Your analysis of the legislation suggests that there are no major changes made to existing exemption law as far as maintaining the reasons of conscience exemption, including religious. However, in § 3701.1310 (D)(2), the bill proposes a process entirely outside of the current procedure, introducing a physician's signature requirement on all exemptions including religious.

There is currently nothing in our Ohio Revised Code that forces parents to schedule a doctor visit to exercise their exemption rights. Adding these provisions constitutes violations of our federal and state Constitutions.

HB 559 violates the First Amendment free exercise of religion because beliefs which are "religious in nature" and "sincerely held" are protected religious beliefs.¹ States may decide to be more lenient in their requirements than the First Amendment dictates, but they may not be more restrictive.² A State

¹ See, e.g., *Sherr and Levy vs. Northport East-Northport Union Free School District*, 672 F. Supp. 81, (E.D.N.Y., 1987); *Mason v. General Brown Cent. School Dist.*, 851 F.2d 47 (2nd Cir. 1988), *Lewis v. Sobel*, 710 F. Supp. 506, 512 (S.D.N.Y. 1989); and *Farina v. The Board of Education*, 116 F. Supp.2d 503 (S.D.N.Y. 2000) (which cases cite *United States v. Seeger*, 380 U.S. 163, 85 S.Ct. 850 and other U.S. Supreme Court cases)

² U.S. CONST. art. VI, § 2, cl. 2

requirement that parents receive a vaccine education dictated by a physician, pharmacist, or other person licensed to administer vaccines amounts to the State overstepping the bounds of our U.S. Constitution.

HB 559 violates the Ohio Constitution § 1.21(A) which states “[n]o federal, state, or local law or rule shall compel, directly or indirectly, any person, employer, or health care provider to participate in a health care system.” The bill violates this section by forcing a parent to consult a physician.

During the April 15 introduction of the bill, both Representatives Landis and Gonzales stated that a visit to one of these care providers *will not* be required. They mentioned several times that faxing the form will suffice. However, there is no mention of “faxing” in the bill; therefore, it is uncertain whether that will suffice should this become law.

Many doctors have an ethical imperative to speak to patients personally about care and treatment of patients. Do you think most doctors would be comfortable faxing forms to parents? I honestly do not. Also, why is this not part of the bill if it’s such an important part of the practical application of this proposed change?

It seems that instead of legislation designed to coerce parents into using these products, we could spend more time properly informing all parents – and not just those who decline – on the possible risks of vaccines, including how to recognize adverse events and injuries. That is true informed consent.

Forcing a doctor visit is a conflict of interest, because physicians are receiving extra compensation for an otherwise unnecessary visit. It places the financial burden on parents when perhaps the real root of the problem—if there is one at all—is school reporting. This additional burden does nothing to add to the information that is already available from the CDC and our State Health Department.

For all of these reasons, I strongly urge you to vote against this bill. Thank you.